

FARIBAULT AND BLUE EARTH COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
JOINT COUNTY DITCH 11FBE AND 12FBE  
JULY 19, 2022

The Faribault/Blue Earth County Board of Commissioners acting as the Drainage Authority for Joint County Ditch 11FBE and 12FBE met at the Faribault County Courthouse in the City of Blue Earth pursuant to the conclusion of the Drainage Authority session on July 19, 2022. The following members were present: Tom Loveall, Bruce Anderson, Bill Groskreutz, Faribault County Commissioners. Also attending were Auditor/Treasurer/Coordinator Darren Esser, Faribault County Drainage Manager Merissa Lore, Central Services Director Pam Krill, John Roper, Greg Young, and Acting Clerk to the Board Sarah Van Moer. Attending virtually were Faribault County employees G. Paschke, S. Hauskins, J. Blair, and L. Mehrhof. Blue Earth County Commissioners K. Paap and K. Bruender were not present.

The meeting was called to order by Chair Loveall.

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Anderson/Groskreutz motion carried unanimously to approve the hearing meeting minutes from the JD11FBE Continued Redetermination of Benefits Hearing held on June 22, 2022.

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Groskreutz/Anderson motion carried unanimously to approve the hearing meeting minutes from the JD12FBE Continued Redetermination of Benefits Hearing held on June 22, 2022.

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Anderson/Groskreutz motion carried unanimously to adopt Resolution 22-DA24-51 approving the redetermination of benefits for JD11FBE from the hearing held on June 22, 2022.

**R E S O L U T I O N**

The Joint Drainage Authority Board of Faribault and Blue Earth Counties, sitting as the drainage authority for Joint Judicial Ditch #11, pursuant to Minn. Stat. § 103E.351, having adopted findings and ordered a redetermination of benefits on June 4<sup>th</sup>, 2019; having appointed viewers to redetermine and report the benefits; having received the viewers' report; having followed proper notice requirements in Minn. Stat. § 103E.351; and having held a public hearing and followed all requirements of chapter 103E, based on the record and proceedings, the Joint Drainage Authority Board of Faribault and Blue Earth Counties, acting as the Drainage Authority for Joint Judicial Ditch #11, adopts the following Findings and Order:

**Findings:**

1. The Joint Drainage Authority Board for Faribault and Blue Earth Counties is the drainage authority for Joint Judicial Ditch #11.
2. On June 4<sup>th</sup>, 2019, the drainage authority adopted findings and ordered the initiation of a

redetermination of benefits for Joint Judicial Ditch #11 pursuant to Minn. Stat. § 103E.351. Dan Ruby, Charles Anderson, Lance Roberts, Gary Ewert, and Ron Ringquist were appointed as viewers.

3. The viewers held an informational meeting on April 4<sup>th</sup>, 2022, after notice to all landowners and public authorities.
4. The viewers completed their report, which included a benefits statement, on March 12<sup>th</sup>, 2022, for all property affected by the drainage system and filed their report with the drainage authority.
5. The Faribault County Auditor and Blue Earth County Property and Environmental Resources Department under direction from the drainage authority Board, prepared property owners' reports and mailed them to the owners of property identified in the viewers' report.
6. The drainage authority, by order, set a public hearing for review of the viewers' report on April 12<sup>th</sup>, 2022, which is within 30 days after the property owners' reports were mailed.
7. A printed copy of the final hearing notice was posted for at least three weeks before the date of the final hearing at the front doors of the courthouses of Faribault County and Blue Earth County.
8. Notice of the final hearing was published in the Faribault County Register and Mankato Free Press for three successive weeks prior to the hearing.
9. Within one week after the first publication of the notice, the Faribault County Auditor and Blue Earth County Property and Environmental Resources Department provided notice by mail of the time and location of the final hearing to all property owners, and others affected by the redetermination of benefits and listed in the viewers' report.
10. Proper notice of the redetermination hearing was made in conjunction with Minn. Stat. § 103E.351 requirements and chapters 103E. A record of the notice requirements is on file with the drainage authority.
11. Evidence of all actions in this matter, including findings and orders, appointments, oaths, affidavits of mailing, publication, and posting as well as hearing agendas, presentation materials, and recordings are present in the record of proceedings and are incorporated by reference.
12. The drainage authority held a public hearing on the redetermination of benefits and damages on April 12<sup>th</sup>, 2022, at 1:00pm at the Winnebago Municipal Center Winnebago, MN. After public comment, changes to the Viewers' Report were recommended by the viewers. The public hearing was continued to a date to be determined.
13. On May 3<sup>rd</sup>, 2022, the Drainage Authority, by order, set the continued public hearing for June 22<sup>nd</sup>, 2022, at 12:30pm at the Winnebago Municipal Center, 140 Main Street South, Winnebago, MN. Proper notice of the redetermination continued hearing was made in conjunction with Minn. Stat. § 103E.351 requirements and chapters 103E. A record of the notice requirements is on file with the drainage authority.

14. At the continued June 22<sup>nd</sup>, 2022, public hearing, Dan Ruby, one of the duly appointed viewers, presented the viewers' report and explained the process of completing the viewers' report. Dan Ruby further provided detail of the viewing process and the information used by the viewers to: (1) verify the boundary of the watershed of the drainage system; (2) verify and confirm the existence of drainage benefit; and (3) determine the economic benefit to lands deriving a drainage benefit from the construction of Joint Judicial Ditch #11.
15. The viewers reviewed all property within the drainage areas of the drainage system as part of the redetermination of benefits process.
16. The viewers used maps, LiDAR data, and other information, along with visual inspection of the watershed of the drainage system, to determine the boundaries of the benefiting area.
17. Within the watershed of the drainage system, the viewers paid particular attention to altered land use and drainage alterations which facilitate the removal of water from property directing it to the drainage system.
18. To determine the economic benefit to lands deriving a drainage benefit from the drainage system, the viewers conducted a condition comparison comparing the expected, pre-ditch, unaltered state of the watershed to the existing, altered, and improved condition of the watershed. The viewers used this comparison in determining the increased market value of the properties receiving a direct drainage benefit.
19. Based on their detailed observations, the viewers determined benefit classifications, classified acres, and assigned economic benefit on a per acre basis.
20. The viewers accounted for the efficiency of the drainage system, as designed, and the proximity of lands to and the elevations of lands above the ditch.
21. The viewers applied an economic analysis using sales and income approaches to determine the increased value to each classification acre based on the drainage benefit provided by the drainage system.
22. The viewers determined the amount of economic benefit to property benefited immediately by the drainage system, or for property for which the drainage system can become an outlet for drainage, make an outlet more accessible, or otherwise directly benefit the property.
23. The viewers determined economic benefits based on: (1) an increase in the current market value of the property as a result of constructing the project; (2) an increase in the potential for agricultural production as a result of constructing the project; or (3) an increased value of the property as a result of potential different land use.
24. Within the watershed of the drainage system, the viewers determined benefits on property that are responsible for increased drainage system maintenance, or increased drainage system capacity because the natural drainage on the property has been altered or modified to accelerate the drainage of water from the property.

25. The viewers kept an accurate account of all time engaged in viewing and examination; the nature and kind of work performed; the days each viewer was engaged in said work; the amount charged per day by each viewer; and every item of expense incurred by the viewers in said work.
26. The viewers' account of work has been filed with the drainage authority.
27. Upon review of information provided to the Board during the public hearing, the Board further finds and confirms its earlier findings that the benefits determined in the original proceedings, as well as the benefited areas determined in the original proceedings, do not reflect current, existing, actual benefits and benefitted areas.
28. The viewers' report is attached as **Exhibit A**.
29. The benefits statement is attached as **Exhibit B**.
30. No public comment.
31. At the close of the public comment hearing, Commissioner Groskreutz moved to direct staff to prepare Findings and an Order consistent with the proceedings, including all comments received through the public comment process; that the draft Findings and Order be written to confirm the redetermined benefits as reported by the viewers; Commissioner Paap seconded, and the motion carried.
32. Based on the proceedings herein, the evidence presented during the pendency of these proceedings, the testimony of the viewers, and the public comments received, the Board finds:
  - a. that the viewers' report has been made and other proceedings have been completed under Minnesota Statutes, chapter 103E;
  - b. that the viewers' report is complete and correct;
  - c. that the viewers have worked with landowners to address any concerns prior to filing the final report and no evidence was presented in opposition to the benefits determined by the viewers in the viewers' report; and
  - d. that the redetermined benefits, as reflected in the viewers' report as **Exhibit A**, and as described in the benefits statement as **Exhibit B**, are proper, reasonable, and conform to the drainage code.

**Order:**

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Joint Judicial Ditch #11, hereby orders as follows:

- A. The redetermined benefits of Joint Judicial Ditch #11, the viewers' report attached hereto as **Exhibit A**, and the benefits statement attached hereto as **Exhibit B** are hereby adopted by the Board and shall be used in place of the original benefits in all subsequent proceedings.
- B. The viewers are allowed payment of their account of work.

- C. The Faribault County Auditor and Blue Earth County Property and Environmental Resources Department shall ensure that the redetermined benefits replace the existing benefits previously determined for Joint Judicial Ditch #11.

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Groskreutz/Anderson motion carried unanimously to adopt Resolution 22-DA25-52 approving the redetermination of benefits for JD12FBE from the hearing held on June 22, 2022.

## **RESOLUTION**

The Joint Drainage Authority Board of Faribault and Blue Earth Counties, sitting as the drainage authority for Joint Judicial Ditch #12, pursuant to Minn. Stat. § 103E.351, having adopted findings and ordered a redetermination of benefits on June 4<sup>th</sup>, 2019; having appointed viewers to redetermine and report the benefits; having received the viewers' report; having followed proper notice requirements in Minn. Stat. § 103E.351; and having held a public hearing and followed all requirements of chapter 103E, based on the record and proceedings, the Joint Drainage Authority Board of Faribault and Blue Earth Counties, acting as the Drainage Authority for Joint Judicial Ditch #12, adopts the following Findings and Order:

### **Findings:**

1. The Joint Drainage Authority Board for Faribault and Blue Earth Counties is the drainage authority for Joint Judicial Ditch #12.
2. On June 4<sup>th</sup>, 2019, the drainage authority adopted findings and ordered the initiation of a redetermination of benefits for Joint Judicial Ditch #12 pursuant to Minn. Stat. § 103E.351. Dan Ruby, Charles Anderson, Lance Roberts, Gary Ewert, and Ron Ringquist were appointed as viewers.
3. The viewers held an informational meeting on April 4<sup>th</sup>, 2022, after notice to all landowners and public authorities.
4. The viewers completed their report, which included a benefits statement, on March 12<sup>th</sup>, 2022, for all property affected by the drainage system and filed their report with the drainage authority.
5. The Faribault County Auditor and Blue Earth County Property and Environmental Resources Department under direction from the drainage authority Board, prepared property owners' reports and mailed them to the owners of property identified in the viewers' report.
6. The drainage authority, by order, set a public hearing for review of the viewers' report on April 12<sup>th</sup>, 2022, which is within 30 days after the property owners' reports were mailed.
7. A printed copy of the final hearing notice was posted for at least three weeks before the date of the final hearing at the front doors of the courthouses of Faribault County and Blue Earth County.

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8. Notice of the final hearing was published in the Faribault County Register and Mankato Free Press for three successive weeks prior to the hearing.
9. Within one week after the first publication of the notice, the Faribault County Auditor and Blue Earth County Property and Environmental Resources Department provided notice by mail of the time and location of the final hearing to all property owners, and others affected by the redetermination of benefits and listed in the viewers' report.
10. Proper notice of the redetermination hearing was made in conjunction with Minn. Stat. § 103E.351 requirements and chapters 103E. A record of the notice requirements is on file with the drainage authority.
11. Evidence of all actions in this matter, including findings and orders, appointments, oaths, affidavits of mailing, publication, and posting as well as hearing agendas, presentation materials, and recordings are present in the record of proceedings and are incorporated by reference.
12. The drainage authority held a public hearing on the redetermination of benefits and damages on April 12<sup>th</sup>, 2022, at 1:30pm at the Winnebago Municipal Center Winnebago, MN. After public comment, changes to the Viewers' Report were recommended by the viewers. The public hearing was continued to a date to be determined.
13. On May 3<sup>rd</sup>, 2022, the Drainage Authority, by order, set the continued public hearing for June 22<sup>nd</sup>, 2022, at 1:15pm at the Winnebago Municipal Center, 140 Main Street South, Winnebago, MN. Proper notice of the redetermination continued hearing was made in conjunction with Minn. Stat. § 103E.351 requirements and chapters 103E. A record of the notice requirements is on file with the drainage authority.
14. At the continued June 22<sup>nd</sup>, 2022, public hearing, Dan Ruby, one of the duly appointed viewers, presented the viewers' report and explained the process of completing the viewers' report. Dan Ruby further provided detail of the viewing process and the information used by the viewers to: (1) verify the boundary of the watershed of the drainage system; (2) verify and confirm the existence of drainage benefit; and (3) determine the economic benefit to lands deriving a drainage benefit from the construction of Joint Judicial Ditch #12.
15. The viewers reviewed all property within the drainage areas of the drainage system as part of the redetermination of benefits process.
16. The viewers used maps, LiDAR data, and other information, along with visual inspection of the watershed of the drainage system, to determine the boundaries of the benefiting area.
17. Within the watershed of the drainage system, the viewers paid particular attention to altered land use and drainage alterations which facilitate the removal of water from property directing it to the drainage system.
18. To determine the economic benefit to lands deriving a drainage benefit from the drainage system, the viewers conducted a condition comparison comparing the expected, pre-ditch, unaltered state

of the watershed to the existing, altered, and improved condition of the watershed. The viewers used this comparison in determining the increased market value of the properties receiving a direct drainage benefit.

19. Based on their detailed observations, the viewers determined benefit classifications, classified acres, and assigned economic benefit on a per acre basis.
20. The viewers accounted for the efficiency of the drainage system, as designed, and the proximity of lands to and the elevations of lands above the ditch.
21. The viewers applied an economic analysis using sales and income approaches to determine the increased value to each classification acre based on the drainage benefit provided by the drainage system.
22. The viewers determined the amount of economic benefit to property benefited immediately by the drainage system, or for property for which the drainage system can become an outlet for drainage, make an outlet more accessible, or otherwise directly benefit the property.
23. The viewers determined economic benefits based on: (1) an increase in the current market value of the property as a result of constructing the project; (2) an increase in the potential for agricultural production as a result of constructing the project; or  
(3) an increased value of the property as a result of potential different land use.
24. Within the watershed of the drainage system, the viewers determined benefits on property that are responsible for increased drainage system maintenance, or increased drainage system capacity because the natural drainage on the property has been altered or modified to accelerate the drainage of water from the property.
25. The viewers kept an accurate account of all time engaged in viewing and examination; the nature and kind of work performed; the days each viewer was engaged in said work; the amount charged per day by each viewer; and every item of expense incurred by the viewers in said work.
26. The viewers' account of work has been filed with the drainage authority.
27. Upon review of information provided to the Board during the public hearing, the Board further finds and confirms its earlier findings that the benefits determined in the original proceedings, as well as the benefited areas determined in the original proceedings, do not reflect current, existing, actual benefits and benefitted areas.
28. The viewers' report is attached as **Exhibit A**.
29. The benefits statement is attached as **Exhibit B**.
30. No public comment.
31. At the close of the public comment hearing, Commissioner Groskreutz moved to direct staff to prepare Findings and an Order consistent with the proceedings, including all comments received through the public comment process; that the draft Findings and Order be written to confirm the

redetermined benefits as reported by the viewers; Commissioner Paap seconded, and the motion carried.

32. Based on the proceedings herein, the evidence presented during the pendency of these proceedings, the testimony of the viewers, and the public comments received, the Board finds:
- a. that the viewers' report has been made and other proceedings have been completed under Minnesota Statutes, chapter 103E;
  - b. that the viewers' report is complete and correct;
  - c. that the viewers have worked with landowners to address any concerns prior to filing the final report and no evidence was presented in opposition to the benefits determined by the viewers in the viewers' report; and
  - d. that the redetermined benefits, as reflected in the viewers' report as **Exhibit A**, and as described in the benefits statement as **Exhibit B**, are proper, reasonable, and conform to the drainage code.

**Order:**

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for Joint Judicial Ditch #12, hereby orders as follows:

- A. The redetermined benefits of Joint Judicial Ditch #12, the viewers' report attached hereto as **Exhibit A**, and the benefits statement attached hereto as **Exhibit B** are hereby adopted by the Board and shall be used in place of the original benefits in all subsequent proceedings.
- B. The viewers are allowed payment of their account of work.
- C. The Faribault County Auditor and Blue Earth County Property and Environmental Resources Department shall ensure that the redetermined benefits replace the existing benefits previously determined for Joint Judicial Ditch #12.

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Anderson/Groskreutz motion carried unanimously to adjourn.

The meeting was adjourned.

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Tom Loveall, Chair

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Sarah Van Moer, Acting Clerk to the Board